



# PUBLIC NOTICE

**File Number: NR15MS.010**

Pursuant to Chapter 0400-40-07 of the Department's rules, the proposed activity described below has been submitted for approval under an Aquatic Resource Alteration Permit and §401 Water Quality Certification. This notice is intended to inform interested parties of this permit application and to ask for comments and information necessary to determine possible impacts to water quality. No decision has been made whether to issue or deny this application.

**APPLICANT:** Mr. Jeff May, VP & GM Tennessee-East  
Vulcan Construction Materials, LP  
3001 Alcoa Highway  
Knoxville, TN 37920

**LOCATION:** Maryville Quarry  
2201 Duncan Road  
Maryville, TN  
Latitude: 35.262940, Longitude: -83.341956

**PROJECT DESCRIPTION/PURPOSE:** Vulcan Construction Materials, LP has applied for an Individual Aquatic Resource Alteration Permit for its Maryville Quarry. NPDES Permit #TN0003042 authorizes Maryville Quarry to discharge mine wastewater to Duncan Branch in Blount County. Operators of the quarry, prior to the adoption of the Water Quality Control Act and the 1977 Clean Water Act amendments, previously mined through Duncan Branch. A settlement agreement between Vulcan Construction Materials, as the current operator, and the City of Maryville requires that Vulcan implement specific actions to maintain surface flow in the stream. This includes pumping from the quarry pit and stream restoration measures downstream of the discharge to maintain surface flow. The proposed stream alterations include sinkhole repair, restoration, and enhancement activities to maintain surface flow in Duncan Branch. This activity was previously authorized under the coverage of a General Permit that is no longer available.

The project site has been evaluated and the supporting plans developed to avoid and minimize any new impacts to waters. The proposed activity will not alter the existing stream dimensions. The proposed activity mitigates periodic flow loss that occurs due to the development of sinkholes in the stream due to the karst geology in the affected reach. After consideration of alternatives Vulcan Construction Materials has proposed the following activities proposed to reduce flow from the karst features into the quarry:

- Removal of all debris within sinkholes.

- Installation of Best Management Practices (BMPs) to control erosion prior to sinkhole repair activities.
- Placement of injection rods and injection of a multi-purpose resin and accelerator to repair the sinkhole.
- Placement of catch nets downstream to collect any of the resin/grout that escapes the injection site.
- Site clean-up and demobilization.
- Monthly monitoring and quarterly reporting of stream flow upstream and downstream of the sinkhole restoration reach.

The proposed activities are projected to result in only minimal alteration of waters which are addressed in the submitted plans.

**DEGRADATION:** In accordance with the Tennessee Antidegradation Statement (Rule 0400-40-03-.06), the Division has determined that the proposed activities will not result in degradation to water quality.

**WATERSHED/WATERBODY DESCRIPTION:** Duncan Branch is in the Lower French Broad River watershed (HUC 06010201).

**Stream Name/ID #:** Duncan Branch/TN06010201026 – 0421

**Impacts:** Sinkhole repair, restoration and enhancement

**Ecoregion:** Southern Limestone/Dolomite Valleys and Low Rolling Hills ecoregion 67F and Southern Shale Valleys, ecoregion 67G

Waterbody ID	Impacted Waterbody	CAUSE / TMDL Priority	Pollutant Source	COMMENTS
TN06010201026 – 0421	DUNCAN BRANCH	Flow Alteration NA	Sand/Gravel/Rock Quarry	Category 4c. Flow alteration is not caused by a pollutant.

**PERMIT COORDINATOR:** Dan Murray

**FACTORS CONSIDERED:** In deciding whether to issue or deny a permit, the Division will consider all comments of record and the requirements of applicable federal and state laws. In making this decision, a determination will be made regarding the lost value of the resource compared to the value of any proposed mitigation. The Division shall consider practicable alternatives to the alteration. The Division shall also consider loss of waters or habitat, diminishment in biological diversity, cumulative or secondary impacts to the water resource, and adverse impact to unique, high quality, or impaired waters.

**COMMENTING:** Persons wishing to comment on the proposal are invited to submit written comments to the department. Written comments must be received within **thirty days of the date that this notice is posted**. Comments will become part of the record and will be considered in the final decision. The applicant's name and permit number should be referenced. Send all

written comments to the Division's address listed below and to the attention of the permit coordinator. You may also comment via email to [water.permits@tn.gov](mailto:water.permits@tn.gov).

**PUBLIC HEARING:** Interested persons may request in writing that the Division hold a public hearing on this application. The request must be filed within the comment period, indicate the interest of the person requesting it, the reasons that a hearing is warranted, and the water quality issues being raised. When there is sufficient public interest in water quality issues, the Division will hold a public hearing. Send all public hearing requests to the Division's address listed below and to the attention of the permit coordinator.

**APPEAL:** Please be advised that a petition for permit appeal may be filed, pursuant to *T.C.A. Section 69-3-105, subsection (i)* and Rule 0400-40-05, by the permit applicant or by any aggrieved person who participated in the public comment period announced by this notice. This petition must be filed within THIRTY (30) DAYS after public notice of the issuance of the permit. The petition must specify what provisions are being appealed and the basis for the appeal. It should be addressed to the technical secretary of the Tennessee Board of Water Quality, Oil and Gas. A copy of the filing should also be sent to TDEC's Office of General Counsel. The mailing addresses follow:

Tisha Calabrese Benton  
Acting Technical Secretary  
Board of Water Quality, Oil and Gas  
William R. Snodgrass TN Tower  
312 Rosa L. Parks Avenue, 12<sup>th</sup> Floor  
Nashville, TN 37243-1102

Mr. E. Joseph Sanders, Chief Counsel  
Office of General Counsel  
William R. Snodgrass TN Tower  
312 Rosa L. Parks Avenue, 2<sup>nd</sup> Floor  
Nashville, TN 37243-1102

Any hearing would be in accordance with T.C.A. §§69-3-110 and 4-5-301 et seq.

**FILE REVIEW:** The permit application, supporting documentation including detailed plans and maps, and related comments are available for review on the internet at the department's data viewer at <http://tn.gov/environment/article/wr-water-resources-data-viewer>. The file may be viewed in person at the department's address (listed below) for review and/or copying.

Kara Blevins (865-594-5460)  
Tennessee Department of Environment & Conservation  
Division of Water Resources  
Mining Section  
3711 Middlebrook Pike  
Knoxville, TN 37921-6538

